

Please note: These transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 14, 2006

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Jeff Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

Ms. Patricia Wiggins

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Jennine Harris, Executive Assistant

Mr. Michael Bledsoe, Staff Counsel

Mr. Elliot Block, Staff Counsel

Ms. Kathy Frevert, Staff

Ms. Judy Friedman, Branch Manager, Organics & Resource
Efficiency

Mr. Howard Levenson, Deputy Director, Permitting and
Enforcement Division

ALSO PRESENT

Mr. Evan Edgar, California Refuse Removal Council

Mr. Dave Edwards, BFI

Mr. Wayde Hunter, NVC

Mr. Alan Lloyd, Secretary, Cal/EPA

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

Please note: These transcripts are not individually reviewed and approved for accuracy.

iii

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Michael Mendez, Assembly Member Montaez Office

Mr. Mike Mohajer

Mr. Frederick W. Pfaeffle, Sr. Deputy County Counsel, Los Angeles

Mr. Kelly Smith, The Smith Firm

Mr. Gerardo Villalobos, LEA, Los Angeles County

Ms. Anne Ziliak, Granada hills North Neighborhood Council

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	Page
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	3
Pledge Of Allegiance	1
III. OPENING REMARKS	1
IV. REPORTS AND PRESENTATIONS	7
V. PUBLIC COMMENT	
VI. NEW BUSINESS AGENDA ITEMS	
Other	
Election Of Board Officers	3
Special Waste	
1. Consideration Of The Scoring Criteria And Evaluation Process For The Household Hazardous Waste Grant Program (15th Cycle) For FY 2006/2007 (Integrated Waste Management Account) -- (Committee Item B)	26
Motion	27
Vote	27
2. Consideration Of The Scoring Criteria And Evaluation Process For The Used Oil Opportunity Grants Program (8th Cycle) (Used Oil Recycling Fund, FY 2005/2006) -- (Committee Item C)	26
Motion	27
Vote	27
3. Consideration Of Revisions To The Eligibility Criteria, Priority Categories And Evaluation Process For The Targeted Rubberized Asphalt Concrete Incentive Grant Program FYs 2005/2006 And 2006/2007 (Tire Recycling Management Fund)	26
Motion	27
Vote	27

INDEX CONTINUED

	Page
4. PULLED Consideration Of Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2005/2006)	
5. Consideration Of The Grant Awards For The Tire-Derived Product Grant Program, FY 2005/2006 (Tire Recycling Management Fund)	29
Motion	30
Vote	30
6. Consideration Of Approval Of Contractor And Award Of Contract For The Tire-Derived Product Business Assistance Program (Tire Recycling Management Fund, FYs 2005/2006 And 2006/2007)	30
Motion	32
Vote	32
7. Consideration Of Concepts And Direction Regarding The Reallocation Of Unused FY 2005/2006 Tire Recycling Management Program Funds (Tire Recycling Management Fund)	
Sustainability And Market Development	
8. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Madera	26
Motion	27
Vote	27
9. Consideration Of The Amended Nondisposal Facility Element For The Sacramento County/City Of Citrus Heights Regional Agency	26
Motion	27
Vote	27
10. PULLED Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit, For The Unincorporated Area Of El Dorado County	

INDEX CONTINUED

	Page
11. Consideration Of A Request To Change The Base Year To 2002 For The Previously Approved Source Reduction And Recycling Element For The Unincorporated Area Of Napa County -- (Committee Item E)	26
Motion	27
Vote	27
12. Consideration Of Action For Noncompliance With Public Resources Code (PRC) Section 42921 (a) By: Atascadero State Hospital; California Department Of Mental Health; California Department Of Transportation, Headquarters; California Men's Colony; California Parks And Recreation, Angeles District; California Parks And Recreation, Monterey District; California Parks And Recreation, San Diego Coast District; California Rehabilitation Center (Prison); California Science Center; Calipatria State Prison; Department Of Corrections; Department Of Developmental Services; Department Of General Services, Procurement Division; Department Of Water Resources; Ironwood State Prison; Mesa College; Office Of Statewide Health Planning And Development; Patton State Hospital; Pelican Bay State Prison; Richard J. Donovan Correctional Facility; San Quentin State Prison; Southern Youth Correctional Reception Center And Clinic; State Compensation Insurance Fund; Ventura Youth Correctional Facility; 16th District Agricultural Association; And 50th District Agricultural Association	26
Motion	27
Vote	27
13. Consideration Of The Recycling Market Development Revolving Loan Program Application For Arna Trading, Inc. d.b.a. Simba International (FY 2005/2006)	34
Motion	35
Vote	35
14. Consideration Of Application To Renew The Santa Barbara County Zone Designation	26

INDEX CONTINUED

	Page
15. Consideration Of Awards For The Reuse Assistance Grants Program FY 2005/2006 (Integrated Waste Management Account	36
Motion	37
Vote	37
16. Discussion And Request For Rulemaking Direction To Formally Notice 45-Day Comment Period For Permanent E-Waste Regulations	
17. Discussion of the History, Current Status, and Opportunities for Expansion in the Recycling Market Development Zone Program	
18. Update And Request For Direction On The Green Procurement Action Plan And Related Activities -- (Committee Item M)	
Permitting And Enforcement	
19. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Golden Bear Waste Recycling Center, Contra Costa County	
20. Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Lopez Agricultural Services Composting And Soil Blending Facility, Sacramento County	26
Motion	27
Vote	27
21. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station/Compostable Materials Handling Facility) For The County Of Mariposa Solid Waste Composting Facility, Mariposa County	26
Motion	27
Vote	27

INDEX CONTINUED

	Page
22. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility/Compostable Material Handling Facility) For The Palo Alto Refuse Disposal Site, Santa Clara County	26
Motion	27
Vote	27
23. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Sun Valley Paper Stock Material Recovery Facility And Transfer Station, City Of Los Angeles	26
Motion	27
Vote	27
24. Discussion Of Statutory Issues Related To Permitting And Enforcement Processes	
Other	
25. Consideration Of Appeal By North Valley Coalition Seeking Board Review Of Decision By Hearing Panel Of Los Angeles County That The Los Angeles County Local Enforcement Agency Acted Properly In Authorizing The Use Of Construction And Demolition Debris As Alternative Daily Cover At Sunshine Canyon Landfill	47
26. Consideration of Approval of Allocation Proposals To Be Funded From The Integrated Waste Management Account For Fiscal Year 2005/2006	39
Motion	46
Vote	46
IX. BOARD MEMBERS COMMENT	
X. ADJOURNMENT	80
XI. REPORTER'S CERTIFICATE	81

1 PROCEEDINGS

2 BOARD MEMBER PEACE: Good morning. Happy
3 Valentines Day. And welcome to the February 14th, 2006,
4 meeting of the California Integrated Waste Management
5 Board. I have been asked to open the meeting today
6 because, one, we don't have a Chair. Governor
7 Schwarzenegger has appointed Rosario Marin Secretary to
8 the State and Consumer Services Agency. And, two, because
9 I'm the most senior member of the Board, not to be
10 confused with being the oldest member of the Board. So I
11 guess --

12 BOARD MEMBER PETERSEN: Very funny.

13 BOARD MEMBER PEACE: -- let's get things started
14 here this morning. Please stand and join me in the Pledge
15 of Allegiance.

16 (Thereupon the Pledge of Allegiance was
17 recited in unison.)

18 BOARD MEMBER PEACE: Governor Schwarzenegger has
19 made two recent appointments to our Board, Margo Reid
20 Brown and Jeff Danzinger. Finally, we'll have a full six
21 member Board for the first time in quite a while.

22 To make it official, I would like to welcome Dr.
23 Alan Lloyd, Secretary of CalEPA. He will have the honor
24 of swearing in Margo and Jeff.

25 SECRETARY LLOYD: Thank you very much. If I can

1 get both Jeff and Margo over. Again, it gives me great
2 pleasure. I'm delighted to see a full member Board, full
3 functioning Board. As I said to Gary, now we're expecting
4 great things here. And again it's a great honor for me to
5 be able to swear in two excellent members to join this
6 excellent Board and join the Administration in this very
7 important work, recognizing that we've had a great
8 relationship with the agency working with the Integrated
9 Waste Management Board, and also now with Rosario going to
10 continue the work on the green building, et cetera. I
11 would also like to take this opportunity to thank the
12 Board for the great work they're doing to help us all and
13 to knit us together as part of CalEPA.

14 So without further ado, I would like to -- we've
15 got to swear on this. Maybe I can do this together, if
16 that's okay. But now I have a problem here.

17 So this is for the office of member of the
18 California Integrated Waste Management Board.

19 (Thereupon Ms. Margo Reid Brown and Mr. Jeff
20 Danzinger were sworn.)

21 BOARD MEMBER PEACE: Congratulations.

22 (Applause)

23 BOARD MEMBER PEACE: So welcome, Board Member
24 Brown and Board Member Danzinger. I'm excited. I think
25 we're all excited to have you aboard. I look forward to

1 working with you and I think we all look forward to
2 working together.

3 Do you want to please call the roll?

4 SECRETARY KUMPULAINIEN: Member Brown?

5 BOARD MEMBER BROWN: Present.

6 SECRETARY KUMPULAINIEN: Member Danzinger?

7 BOARD MEMBER DANZINGER: Present.

8 SECRETARY KUMPULAINIEN: Member Peace?

9 BOARD MEMBER PEACE: Here.

10 SECRETARY KUMPULAINIEN: Member Petersen?

11 BOARD MEMBER PETERSEN: Here.

12 SECRETARY KUMPULAINIEN: Member Mulé?

13 BOARD MEMBER MULÉ: Here.

14 SECRETARY KUMPULAINIEN: Member Wiggins?

15 BOARD MEMBER WIGGINS: Here.

16 BOARD MEMBER PEACE: That brings us to our first
17 order of business this morning, and that is the election
18 of a new Chair. Do I have a nomination?

19 BOARD MEMBER MULÉ: Board Member Peace, I would
20 like to nominate Board Member Brown for Chair.

21 CHAIRPERSON BROWN: We have a nomination of Board
22 Member Brown by Board Member Mulé. Do I hear a second?

23 BOARD MEMBER PETERSEN: I'll second that.

24 BOARD MEMBER PEACE: We have a second by Board
25 Member Petersen. Are there any comments or discussion

1 anybody would like to have?

2 I know I did have a chance to talk to Board
3 Member Brown last week. I feel comfortable she will
4 listen and work with all of us Board members, and I really
5 look forward to working with her. After all, you know, we
6 all are here for the same reasons to further the mission
7 of the Board, protect the environment, to ensure the
8 health and safety of the public. And I think that she
9 will make an excellent Chair.

10 So do you want to call the roll?

11 SECRETARY KUMPULAINIEN: Member Danzinger?

12 BOARD MEMBER DANZINGER: Aye.

13 SECRETARY KUMPULAINIEN: Member Mulé?

14 BOARD MEMBER MULÉ: Aye.

15 SECRETARY KUMPULAINIEN: Member Peace?

16 BOARD MEMBER PEACE: Aye.

17 SECRETARY KUMPULAINIEN: Member Petersen?

18 BOARD MEMBER PETERSEN: Aye.

19 SECRETARY KUMPULAINIEN: Member Wiggins?

20 BOARD MEMBER WIGGINS: Aye.

21 BOARD MEMBER PEACE: Okay. I guess we have a new
22 Chair.

23 (Applause)

24 BOARD MEMBER PEACE: Congratulations, and good
25 luck.

1 CHAIRPERSON BROWN: Thank you all very much. It
2 is a tremendous honor to have been appointed to this
3 Board. And in the week and a half I've been here have
4 been amazed that this is the best kept secret in state
5 government in protecting the environment and progressing
6 the image and mission of this Board.

7 So I would like to invite you all to take a brief
8 recess and join us in the lobby for cake and refreshments,
9 and we will resume the Board meeting at 10:00.

10 (Thereupon a recess was taken.)

11 CHAIRPERSON BROWN: We'll call the meeting to
12 order. Could we call the roll?

13 SECRETARY HARRIS: Member Danzinger?

14 BOARD MEMBER DANZINGER: Here.

15 SECRETARY HARRIS: Member Mulé?

16 BOARD MEMBER MULÉ: Here.

17 SECRETARY HARRIS: Member Peace?

18 BOARD MEMBER PEACE: Here.

19 SECRETARY HARRIS: Member Petersen?

20 BOARD MEMBER PETERSEN: Here.

21 SECRETARY HARRIS: Member Wiggins?

22 BOARD MEMBER WIGGINS: Here.

23 SECRETARY HARRIS: Chair Brown?

24 CHAIRPERSON BROWN: Here.

25 Any ex partes to announce?

1 BOARD MEMBER PETERSEN: Yes, Madam Chair.

2 I'm up to date, except for I spoke this morning
3 with Chuck Helget, Sharon Rubalcava, and David Edwards,
4 John Cupps, Mike Mohajer, and I met with Tom Faust.

5 BOARD MEMBER PEACE: I spoke with Kelly Smith
6 representing the North Valley Coalition. I spoke to Mike
7 Mohajer regarding conversion technology. And I said hi to
8 Chuck Helget, Chuck White, and Donna Carlson.

9 BOARD MEMBER MULÉ: Thank you, Madam Chair.
10 I spoke to Donna Carlson regarding tires; Chip
11 Clements regarding the city of L.A. recycling; Chuck
12 Helget, Sunshine Canyon Landfill; and Chuck White on
13 climate action. Thank you.

14 BOARD MEMBER WIGGINS: Mine are all recorded.

15 CHAIRPERSON BROWN: I'm up to date. I spoke with
16 John Dunlap regarding a project coming before the Board in
17 the future, and Richard Ludt, Waste Management
18 Administrator.

19 I'd like to ask people to please put your cell
20 phones in the vibrate mode or turn the ringer off. If
21 there's anybody interested in speaking, slips are located
22 on the table in the rear. And then we'll move to opening
23 remarks and reports by the Board members.

24 Board Member Mulé.

25 BOARD MEMBER MULÉ: Thank you, Madam Chair.

1 On January 18th, I attended the Landfill Gas to
2 Hydrogen Workshop held here at the CalEPA building. And I
3 attended that along with our Executive Director as well as
4 Howard Levenson, our Director for Permitting and
5 Enforcement.

6 On January 20th, I had the privilege of going to
7 the REXPO Conference or the Ag Expo in Stockton where the
8 Board had a number of vendors there that showed off their
9 recycled content products, and it was well attended.

10 On January 23rd, I attended the Financial
11 Assurances for Landfill Postclosure and Beyond Work Group
12 meeting. And I'm pleased with the ongoing dialogue there.

13 On the 24th of January, I had the privilege of
14 cutting the ribbon at our preschool here, the Kid Ease
15 playground grand opening. The Board had provided a grant
16 to Kid Ease to help them put in place a rubber playground
17 surfacing as well as a composite lumber playground set.
18 And it was really -- I could tell the proof is in the
19 pudding. The kids were jumping all over the place. So
20 they were really enjoying it. It was really a lot of fun
21 to be there.

22 On the 25th, I attended the both workshops for
23 plastic container and film initiatives. And that's an
24 ongoing effort that we have with stakeholders and our
25 staff. And again I'm really pleased with the progress

1 we're making, especially in the film area. We are
2 embarking on a process for plastic containers again to
3 determine the best ways to collect and market those
4 materials.

5 And then also on the 25th I spoke to the SWANA
6 Gold Rush Chapter regarding our Board accomplishments for
7 2005.

8 On the 26th of January, I also spoke regarding
9 our Board accomplishments I spoke to the CRRC Executive
10 Committee down in Newport Beach. And then that afternoon,
11 I met with the Association of Compost Producers to talk
12 about organics issues and how we can further market
13 development here in California.

14 And on January 30th, I met with Terre Verde
15 Industries in Irvine. They have a composting as well as a
16 C&D facility, which again they're doing a lot of good
17 things. They've got a great operation. They've got great
18 markets. The problem is they have to vacate their current
19 site. So they're going to have some issues with siting a
20 new facility. So I met with them to talk about that.

21 And then on February 2nd, we did a site visit at
22 Lopez Ag Services here in Sacramento.

23 And that concludes my report. Thank you, Madam
24 Chair.

25 CHAIRPERSON BROWN: Thank you, Member Mulé.

1 Member Peace.

2 BOARD MEMBER PEACE: On the 19th, I also attended
3 REXPO. And I do have to say it seemed like there were
4 quite a few less exhibitors than what we usually had at
5 Recycled Product Trade Show, fewer attendees. And I
6 really feel like there was a lack of government
7 procurement officials there. So from what I observed,
8 REXPO was probably a good fit for products that would
9 appeal to ranchers or farmers. But other than that,
10 probably wasn't that good of a fit. So I think the REXPO
11 Recycled Product Trade Show is something we're all going
12 to have to take a good look at before deciding what to do
13 in the future.

14 I also attended the Postclosure Assurances
15 Workshop.

16 On January 31st, I visited CP Manufacturing down
17 in my neck of the woods. I met with Bob Davis, the
18 President and CEO. CP Manufacturing designs and
19 manufacturers material recovery equipment, material
20 recovery facilities throughout the United States and the
21 world. It was really interesting to find out that CP has
22 built recycling plants in England, Canada, Ireland, Puerto
23 Rico. And they also have proposals in China, Taiwan,
24 Peru, and Mexico. Another affiliated company of theirs,
25 IMS, installs and tests the equipment that CP designs and

1 sells. IMS Recycling Services has the curbside recycling
2 contract for the city of San Diego. Their four divisions
3 are curbside, metals, fiber, and electronics, which
4 includes recycling, re-marketing, and demanufacturing of
5 computers and electronics.

6 That concludes my report.

7 CHAIRPERSON BROWN: Thank you, Board Member
8 Peace.

9 Board Member Petersen.

10 BOARD MEMBER PETERSEN: Well, good morning. I
11 have been working on and with staff with regards to the
12 tire cycling issues that are going on statewide, the oil
13 recycling issues that are popping up and how we can expand
14 that. Working with Jon on public education campaign that
15 he's putting together for the Board. We're still
16 reviewing and exploring the plastics and what's happening
17 with the industry and the values of the plastics and where
18 we're going and how we're going to include them into the
19 recycling waste stream as best we can. And I'm also then
20 working on my Senate confirmation hearing which is
21 tomorrow. Lucky me.

22 CHAIRPERSON BROWN: Good luck.

23 BOARD MEMBER PETERSEN: Thank you.

24 CHAIRPERSON BROWN: Thank you, Board Member
25 Petersen.

1 Board Member Wiggins.

2 BOARD MEMBER WIGGINS: Well, on January 19th, I
3 also attended the Expo in Stockton. And I agree with
4 Member Peace that it was very disappointing actually.
5 Some of the non-Waste Board displays were interesting, but
6 basically all the Integrated Waste Board displays were
7 pretty dull. And so I think that the venue probably
8 should be different. And I don't know how we're going to
9 fix this. But I think we can, because it's an exciting
10 concept. And there were good displays about what -- you
11 can make shirts out of plastic bottles.

12 Then on January 25th, I attended the plastics
13 interested party meeting that was here. And an issue that
14 I think is really important because I'm in an agricultural
15 area is what we do with plastic film at the cultural
16 hillsides.

17 And then on January 27th, I visited the Sonoma
18 County Central Landfill. And I went to look at the
19 methane gas issue, because actually Sonoma County has one
20 percent of the population in California but their
21 retrieval of methane gas is in the top 10 percent. So
22 they're doing a good job there.

23 But the other issue for them is that the Regional
24 Water Board has prohibited them from using the landfill
25 any more because there was a leak in the lining. The leak

1 has since been fixed. So the waste is being shipped out
2 of county and is being proposed to being shipped out of
3 state. I think that is dead wrong. We should not be
4 shipping our waste anywhere. We should be able to handle
5 it and contain it and reuse it and recycle it. And so I
6 think that this is wrong. And one of the issues is that
7 the Air Board and the Water Board, nobody has coordinated
8 their activities. And so I think it's just horrible that
9 we are shipping our waste from Sonoma County to Nevada.

10 Then on January 31st, I visited the Lopez
11 Agricultural Services Composting and Soil Facility, a
12 blending facility, and it was nice that it was so
13 contained. Actually, it was much smaller than I expected
14 it would be. And the Board does their actions quickly
15 compared to I guess it was a year for the county of
16 Sacramento to give them a permit. So good news for us.
17 That's it.

18 CHAIRPERSON BROWN: Thank you, Board Member
19 Wiggins.

20 Now Board Member Danzinger, we won't put you on
21 the spot. But do you have any comments you'd like to
22 share?

23 BOARD MEMBER DANZINGER: Thank you. Yeah, I
24 wasn't planning to say anything, but after the reception
25 we just had, I wanted to say a couple things.

1 I'm thrilled to be here. I'm going to buff this,
2 because there is a little bit of emotion behind it.
3 Yesterday, I had a chat with Mark Leary and he was getting
4 me up to speed on some things. And one thing that never
5 came up in the conversation was staff, how are we on
6 staff, where are we on staff. And that's because he knows
7 that I know that this is an amazing staff.

8 And I've only been here for about an hour now,
9 and I've seen so many familiar faces. And that is another
10 indicator of the strength of this Board, the continuity,
11 people here who defy the trend that you see in so many
12 other departments and agencies, the mass movement. We get
13 some movement here, of course. But so many people who
14 choose to stay here, who choose to pursue promotion
15 within. And that's because they believe in the work of
16 this Board. They believe in the mission. And they know
17 do, we all do, that since 939 this Board has been anything
18 but a pedestrian regulatory agency. It's a dynamic force.
19 It is a credible part of California's historic
20 environmental legacy.

21 And so I'm honored by the Governor's trust in me.
22 I'm proud to be serving with all of you. And I'm
23 dedicated to doing my part to further this quiet
24 revolution in waste management. So thank you very much
25 for warm welcome.

1 CHAIRPERSON BROWN: Remind me never to go after a
2 speech writer. He took everything I was going to say.
3 Thank you, Jeff.

4 It is a great honor to be here, I will also say,
5 to serve amongst these tremendously dedicated Board
6 members. And although I've been here much longer than
7 you, Jeff, 14 days to be exact, it is incredible. And I
8 have had the great fortune of meeting most all of the
9 Directors and Deputy Directors and seeing their wisdom and
10 their commitment to this mission to zero waste, to
11 promoting the Action Plans, the Green Procurement Program,
12 reducing greenhouse gas emissions, and to the Governor's
13 new Climate Action Team.

14 So I'm tremendously honored to be here as a Board
15 member and to be the new Chair. Thank you so much, and to
16 work with a great group of people. As I said earlier, it
17 is the best kept secret in all of state government, the
18 Integrated Waste Management Board. So I thank you all.

19 Now we will move to the Executive Director's
20 Report, Mark Leary.

21 EXECUTIVE DIRECTOR LEARY: Good morning. Thank
22 you, Madam Chair. Good morning, Members. On behalf of
23 those 430 or so dedicated staff, welcome to both of you,
24 Member Danzinger and Member Brown. We look forward to
25 supporting your initiatives and your policies as you all

1 collectively work together to find those policies. I very
2 much appreciate the very positive comments you both made.
3 I hope you continue to feel that way through our long
4 relationship together.

5 I have four items to report on in my Executive
6 Director's report this morning. The first item is -- for
7 you new members, I'd like to do a brief introduction. It
8 will become fairly routinized over the months that I will
9 come to report to you on emergency waivers. And emergency
10 waivers are simply taking advantage what the regulations
11 allow, that in the state of declared emergency, facilities
12 who are subject to our permits are allowed to be beyond
13 their conditions of their permit if they need to to
14 participate in addressing that emergency. And the
15 regulations allow the Executive Director to review the
16 LA's actions and stem those actions if I judge it to need
17 be or in most cases allow that waiver to continue and
18 allow the LEA to implement the actions they take.

19 This month I have to report to you an emergency
20 waiver of permit conditions that occurred at the Redwood
21 Landfill. On January 2nd and 3rd, Governor Schwarzenegger
22 declared a state of emergency in Sonoma and Marin Counties
23 due to damage resulting from severe rain storms, series of
24 severe rainstorms. On January 6th, the operator of
25 Redwood Landfill submitted a request to the county of

1 Marin LEA for an emergency waiver to allow for additional
2 tonnage to be accepted in excess of the permitted
3 conditions of the solid waste facility permit. The LEA
4 granted the request of emergency waiver.

5 The waiver had the following stipulations. It
6 allowed the facility to accept 150 additional tons of
7 non-hazardous municipal solid waste from Marin and Sonoma
8 Counties, maintain the current permitted limit of 20 tons
9 a day of designated waste, and a maximum diversion of
10 increased tonnage shall be implemented to the greatest
11 extent possible. The order was granted for 14 days only,
12 from January 6th to January 20th. Staff have reviewed
13 this emergency waiver, and no significant issues were
14 identified. So the result of my action is to leave the
15 situation alone and allow the waiver of conditions to
16 remain in place.

17 Secondly, now on to the good news. That's the
18 regulatory routine stuff. We're all proud of the many
19 outstanding programs we conduct here at the Board. It's
20 always nice to be recognized for our efforts. The past
21 summer, the Board sponsored the first ever tire derived
22 sustainable building product design competition. The
23 Board had an interagency agreement with Cal Expo to do the
24 competition for us, and the winners of the composition
25 were showcased at last year's State Fair. The purpose of

1 the competition was to advance the concept of sustainable
2 building and the use of tires in building products. The
3 competition was quite successful.

4 And after the fair ended, Cal Expo entered our
5 competition into another competition for the Western Fairs
6 Association, which is an industry trade organization
7 headquartered in Sacramento. Each year the Western Fairs
8 Association offers an industry-wide competition for all
9 member fairs in the categories of advertising, marketing,
10 and programming. Several hundred entries were submitted.

11 Cal Expo was recognized in five different
12 categories with a first place award, and one of those
13 first place awards went to our building and landscape
14 design competition recognized for that first place award.
15 I'm like to congratulate Bill Orr and his team for their
16 outstanding work.

17 Speaking of Bill Orr, Item Number 3 has to do
18 with more recognition received from outstanding work in
19 green building standards, particularly those related to
20 this building, the CalEPA building. KCRA News Report did
21 a special report on the CalEPA building and in that report
22 featured our very own Bill Orr. So if you wouldn't mind,
23 I'd like to roll the tape here and give you a little video
24 display.

25 (Thereupon a video presentation was made.)

1 EXECUTIVE DIRECTOR LEARY: Thanks, Dave and Lois.

2 Lastly, and speaking of the Governor's order and
3 the Governor's direction to develop green buildings and
4 greening California, the Governor recently announced the
5 Green California web page. An important component of the
6 Green California web page is the Best Practices Manual
7 following up on our recent description of what we're doing
8 in the preferable Green Procurement Action Plan, and we've
9 worked very hard on what's called the Best Practices
10 Manual within the Green California web page.

11 The project managers for this effort were shared.
12 It was a unique combination of Waste Board talent with
13 Department of General Services talent. Kimya Lambert of
14 our staff co-managed the project along with Craig Dearing
15 of the Department of General Services staff.
16 Unfortunately, Kimya is not here to make the presentation.
17 She's taking a well-deserved vacation. But Kathy Frevert
18 is here and will make a short presentation on the
19 Environmentally-Preferable Purchasing Best Practices
20 Manual.

21 And it's not just about the Waste Board and DGS.
22 It involved multiple agencies across state government
23 defining what the environmentally-preferable conditions or
24 practices are for each procurement occurring in the state.

25 So with that, I'd like to turn it over to Kathy

1 for a brief Power Point presentation.

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 MS. FREVERT: Thank you, Mark. Good morning,
5 Madam Chair and members of the Board. I'm Kathy Frevert,
6 a Senior Integrated Waste Management Specialist with the
7 Waste Prevention and Market Development Division. And I'm
8 going to go over a few slides presenting background on the
9 manual. And then I'll show you the manual, because it's
10 online.

11 --o0o--

12 MS. FREVERT: To start, let's begin with what we
13 mean by environmentally-preferable purchasing. A
14 fundamental part of the definition is balancing the
15 environment and cost and performance, because this is what
16 gives us best value. And, of course, we do have a more
17 formal definition.

18 --o0o--

19 MS. FREVERT: This is taken from Public Contract
20 Code. And the law says we shall also take into
21 consideration to the extent feasible such things as cost,
22 needs of the purchaser, manufacturing, energy efficiency,
23 product performance, and then along with durability, reuse
24 disposal. The point here is that it's quite broad in
25 scope.

1 --o0o--

2 MS. FREVERT: And the purpose then of the manual
3 is to fulfill a requirement in the law that specifically
4 identifies creating it. It also directs Department of
5 General Services in consultation with CalEPA and others to
6 provide State agencies with the information and assistance
7 regarding EPP. The manual is here to assist State
8 agencies in meeting requirements both in law and Executive
9 Order as shown here.

10 --o0o--

11 MS. FREVERT: Very importantly, it's here to
12 assist purchasing officials and specification writers who
13 may not have a background in the environment. And we're
14 just trying to make their job easier.

15 --o0o--

16 MS. FREVERT: So the sponsors. You can see here
17 that we've had a very central role both in sponsoring it
18 and also in managing the project. In addition, about half
19 of the sections the primary authors were Board staff.

20 --o0o--

21 MS. FREVERT: There's 42 sections, and I'll show
22 you a listing of them shortly. Almost all the products
23 that we purchase are covered. And so there's a wide range
24 of environmental --

25 --o0o--

1 MS. FREVERT: -- and public health topics and
2 they're shown here. Given the breadth of this, we needed
3 to go to other state agencies for help. And you can see
4 here that participants come from 16 state entities at
5 least.

6 --o0o--

7 MS. FREVERT: The benefits are this does promote
8 our mission. You'll see throughout the guide waste
9 prevention, diversion, and buy recycled are quite
10 prominent. In addition, it helps our sister agencies and
11 supports their mission.

12 It's web based. We didn't want to create a big
13 document that sits on a shelf and doesn't get used. It's
14 designed to serve a variety of audiences. We think the
15 potential can be quite large.

16 --o0o--

17 MS. FREVERT: And about half of the sections are
18 online. And I'm going to go to it in just a second here.
19 We hope to finish it up this spring.

20 --o0o--

21 MS. FREVERT: So our steps remaining are to
22 finish it. We'll then need to market the manual to our
23 target audiences. We'll have to continue with training
24 and outreach. And then there's ongoing maintenance. This
25 is a living document. So we'll have to keep at it.

1 --o0o--

2 MS. FREVERT: And without further ado, let's take
3 a look at it. Also noted here, it is hosted by the
4 Department of General Services. So we're going over to
5 their website now.

6 --o0o--

7 MS. FREVERT: And I realize when this opens you
8 will not be able to see all the words on the page. I'll
9 flip through this to give you a flavor of what it's like.

10 On the beginning, this is the introduction. And
11 if you open these sections, the introduction is sort of an
12 EPP 101. So it explains why you should care about it. It
13 goes into what it is. And you can flip through the pages
14 here, and you can learn all about it.

15 If you go to the right column and flip down on
16 this side bar here, those are all the products. There's
17 42 of them. And I'm going to click on a few of them so
18 you can see what's in them. And here I'll click on
19 compost. When you open this, you'll see that this first
20 section is designed for the folks that really don't want
21 to get into the nitty gritty. They want to know the bare
22 bones of why should I care about this product? What
23 should I look for?

24 Now if you want to know more, you go down here,
25 and this is where we get into the nitty gritty. If you're

1 a specification writer, we have a section here on
2 specifications. So you can go to that. We have some
3 sample language. We've got links to other specifications
4 so that should help a specification writer get going on
5 this. Perhaps you just want to purchase, so you'd be
6 interested in finding vendors. So you can click here and
7 see, oh, there's a state contract. There's local agency
8 procurement discussed. So you can find out how to buy it.

9 Each of the sections has a sort of basic overview
10 where there's background, laws and guidelines,
11 performance, availability, cost. Some of them are
12 slightly different, but they all are pretty much the same
13 in terms of the topics covered.

14 I'll click on another one to show you how they
15 are similar. This is on copy paper. And then there's
16 there same thing where there's specifications. There's
17 quite a few resources you'll find. We highlight other
18 counties, what they're doing, other states.

19 So that's it in a nutshell. It is very easy to
20 use. We want to establish linkages so that if you are
21 looking up a state contract, there would be a link to this
22 guide, and you can find out more information.

23 So anyhow, are there any questions?

24 CHAIRPERSON BROWN: Board Member Mulé.

25 BOARD MEMBER MULÉ: Thank you, Madam Chair.

1 First of all, great job, everyone. This is
2 incredible. I was wondering where this was, and now I
3 know where it is. And I'm really impressed with the level
4 of detail that you put into this. This is very good.
5 What this does is really helps further create that market
6 demand, that market pull for products, which is something
7 that, you know, we as a Board have been trying to focus on
8 at least as long as I've been here. And it will also go a
9 long way in my mind to further State agency green
10 procurement. So great job. Thank you.

11 I do have one question, though. What role do you
12 see the Board staff playing in rolling this manual out?
13 Because I've got some ideas. But I just wanted to see
14 maybe Mark or Kathy if you wanted to --

15 EXECUTIVE DIRECTOR LEARY: I think as Kathy
16 touched on, marketing this manual is our next -- once it's
17 fully populated, marketing our manual is our next
18 challenge.

19 But Kathy was fairly modest in her presentation.
20 This is world leading. There's nothing like this
21 anywhere. City of San Francisco has some good stuff.
22 State of Minnesota has done some good stuff. Folks in
23 Washington have done some good stuff. But this is all in
24 one place, and it takes the professional performance of
25 this one step higher, and it will become -- hopefully with

1 good marketing, it will become a resource tool for all
2 procurement officers in the public or private sector
3 creating the market pull you touched on. But we do have a
4 major marketing effort to conduct yet.

5 BOARD MEMBER MULÉ: Good. Because, again, I've
6 seen the marketing and training, you know, the procurement
7 officers, like you said, most of them don't delve into
8 this area of procurement. And so I see this as a
9 long-term training project as well. Thank you.

10 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

11 Couple of things. One, this is great. And I've
12 been around the country looking at -- being involved with
13 Green Seal looking at different types of certifications
14 and processes on procurement. This is great.

15 I have two questions. One, when we refer to
16 products, are we referring to products that do have some
17 sort of certification from the different types of third
18 party? So that the consumer or the buyer, there's no
19 questions about what you're buying. You really know
20 what's there is real, the science is there.

21 MS. FREVERT: On the products where there is a
22 third-party certification, that is noted.

23 BOARD MEMBER PETERSEN: That's great. Super.

24 And the other thing as we roll this out -- and,
25 Mark, just some more brainstorming here. As we roll this

1 out and we get the manual out there, we do the marketing
2 and pass it off to the different agencies, and what's
3 going to happen is all the cities in the state will pick
4 up on this.

5 But one of the things I'd like to do is checks
6 and balances to make sure we're doing this, that there's
7 someone kind of overseeing -- not slapping you on the
8 hand, but patting you on the back saying, "You're doing a
9 good job. You know, here's an inside certification or
10 something saying your agency is doing a good job, keep it
11 up." Someone has to watch what's going on. So thank you.

12 CHAIRPERSON BROWN: Thank you, Board Member
13 Petersen.

14 Any other questions or comments?

15 EXECUTIVE DIRECTOR LEARY: With that, Madam
16 Chair, I conclude my Executive Director Report.

17 CHAIRPERSON BROWN: Thank you very much, Mark.

18 Thank you, Kathy, for an outstanding
19 presentation. It was very good. I appreciate that.

20 Next, if there are any public comments.

21 The next item we move to the consent agenda.
22 Consent Agenda Items 1 Revised, 2 Revised, 3, 8, 9, 11
23 Revised, 12 Revised, 19, 20 Revised, 21 Revised, 22
24 Revised, and 23 are on the consent agenda.

25 Item 14, the Santa Barbara County, has requested

1 that the action on their zone designation be continued to
2 our March meeting. Without objection, this matter will be
3 heard at the March 8th Sustainability and Market
4 Development Committee.

5 BOARD MEMBER MULÉ: I move approval of the
6 consent agenda.

7 CHAIRPERSON BROWN: Is there a second?

8 BOARD MEMBER WIGGINS: Second.

9 CHAIRPERSON BROWN: It's been moved and seconded
10 that the items stated have been moved to the consent
11 calendar.

12 Call the roll.

13 SECRETARY HARRIS: Danzinger?

14 BOARD MEMBER DANZINGER: Aye.

15 SECRETARY HARRIS: Mulé?

16 BOARD MEMBER MULÉ: Aye.

17 SECRETARY HARRIS: Peace?

18 BOARD MEMBER PEACE: Aye.

19 SECRETARY HARRIS: Petersen?

20 BOARD MEMBER PETERSEN: Aye.

21 SECRETARY HARRIS: Wiggins?

22 BOARD MEMBER WIGGINS: Aye.

23 SECRETARY HARRIS: Brown?

24 CHAIRPERSON BROWN: Aye.

25 Next Items 5 Revised, 6 Revised, 13, and 15 are

1 on fiscal consent. These matters will be taken up in
2 order and discussed in action.

3 Items 4 and 10 have been pulled from our agenda
4 today.

5 We will be discussing Item 25 and 26 as a full
6 Board. Item 25 will be heard at 1:30 p.m. this afternoon.
7 And the Board will go into closed session at that time for
8 a portion of that. And we'll move to the rest of the
9 business calendar.

10 BOARD MEMBER PEACE: I just want to make sure we
11 knew that Item 7, the consideration of concepts and
12 direction regarding reallocation of unused 05-06 Tire
13 Fund, we put that over until May.

14 CHAIRPERSON BROWN: Actually, that was a
15 Committee agenda discussion item only, so that will be
16 discussed in May. Thank you, Member Peace.

17 As Acting Chair of the Special Waste Committee,
18 Board Member Mulé, would you like to make some comments
19 about the Committee?

20 BOARD MEMBER MULÉ: Yes, thank you, Madam Chair.

21 We heard six items. Three of the items are on
22 consent. Two are fiscal consent, which we will hear
23 shortly. And the one item, Item 7, as Board Member Peace
24 had just brought up, that was heard in Committee only and
25 that was just a status report on the Tire Fund. And so we

1 will be considering that in May.

2 Thank you. That concludes my report.

3 CHAIRPERSON BROWN: First fiscal consent item is
4 Consideration of the Grant Awards for the Tire Derived
5 Product Grant Program, Fiscal Year 2005-2006, from the
6 Tire Recycling Management Fund.

7 Jim Lee, would you like to give your report?

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair and
9 congratulations. And the good morning. And welcome to
10 new Board Member Danzinger. My name is Jim Lee, Deputy
11 Director of the Special Waste Division.

12 Madam Chair, Board Item Number 5 is Consideration
13 of Grant Awards for the Tire Derived Product Grant
14 Program, Fiscal Year 2005-06. This item has been revised
15 to reflect Special Waste Committee direction.
16 Specifically, the Committee directed the staff should
17 attempt to allocate the 43,318 in funds that would be
18 available after all eligible grant applicants on this day
19 received proposed awards.

20 The city of Reedley, the highest ranking grant
21 applicant on List B, was offered, and they have accepted a
22 partial grant award of 43,318 as shown on revised List A.
23 They've also accepted a conditional award of 29,122 as
24 shown on List B, if allocated funds become available and
25 the Board wishes to reallocate additional funds on this

1 list.

2 Staff recommends the Board award 1,729,818 to
3 identified applicants on List A, approve the conditional
4 ranking on products on List B, and approve Resolution
5 2006-33 as revised.

6 CHAIRPERSON BROWN: Thank you, Jim.

7 BOARD MEMBER MULÉ: If we have no questions, I
8 move Resolution 2006-33 Revised.

9 BOARD MEMBER PEACE: Second.

10 BOARD MEMBER PETERSEN: I'll second that.

11 CHAIRPERSON BROWN: Can we call the roll?

12 SECRETARY HARRIS: Danzinger?

13 BOARD MEMBER DANZINGER: Aye.

14 SECRETARY HARRIS: Mulé?

15 BOARD MEMBER MULÉ: Aye.

16 SECRETARY HARRIS: Peace?

17 BOARD MEMBER PEACE: Aye.

18 SECRETARY HARRIS: Petersen?

19 BOARD MEMBER PETERSEN: Aye.

20 SECRETARY HARRIS: Wiggins?

21 BOARD MEMBER WIGGINS: Aye.

22 SECRETARY HARRIS: Brown?

23 CHAIRPERSON BROWN: Aye.

24 Next Item 6, Fiscal Consent, Consideration of
25 Approval of Contract and Award of the Contract for the

1 Tire Derived Product Business Assistance Program, the
2 Recycling Management Fund for 2005-2006, 2006-2007. Jim
3 Lee.

4 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

5 This item implements Board direction received
6 during the Five-Year Tire Plan and confirms the Five-Year
7 Tire Plan revision process and confirms the fund
8 allocation for this plan element. The program is designed
9 to provide various services, including product development
10 and marketing support, to a broad array of tire derived
11 product businesses and thereby increase the diversion of
12 waste tires in the state.

13 The item before you today is to approve the
14 contractor, R.W. Beck, Incorporated, who emerged as best
15 qualified during the grantee selection process. I would
16 also note the Beck proposal includes a consortium of other
17 consultants that will be working with them on the
18 implementation of this contract.

19 This item was heard by the Special Waste
20 Committee and recommended for fiscal consent. Staff
21 recommends the Board approve R.W. Beck, Incorporated, as
22 contractor for this contract in an amount not to exceed
23 \$3,850,000 for fiscal year 2005-06 and 2006-07 and approve
24 Resolution 2006-34 as revised.

25 CHAIRPERSON BROWN: Any questions?

1 Do I have a motion? Member Wiggins.

2 BOARD MEMBER WIGGINS: So I'm assuming that Beck
3 is going to have a raft of consultants working with them.

4 DEPUTY DIRECTOR LEE: There are several other
5 consultants that are on the -- I guess what you consider
6 them as sub-consultants under Beck that will be working on
7 this implementation of this contract. The contract, as
8 was noted during the approval of the Scope of Work process
9 a few months ago by the Board, is a broad array of
10 services. It would be very difficult for one single firm
11 or entity to be able to provide all those services. So,
12 again, a group of various consultants and contractors has
13 been assembled under this proposal to implement this
14 contract.

15 BOARD MEMBER WIGGINS: Thank you.

16 BOARD MEMBER MULÉ: With that, I'd like to move
17 Resolution 2006-34 Revised.

18 BOARD MEMBER PEACE: Second.

19 CHAIRPERSON BROWN: Moved and seconded.

20 Call the roll.

21 SECRETARY HARRIS: Danzinger?

22 BOARD MEMBER DANZINGER: Aye.

23 SECRETARY HARRIS: Mulé?

24 BOARD MEMBER MULÉ: Aye.

25 SECRETARY HARRIS: Peace?

1 BOARD MEMBER PEACE: Aye.

2 SECRETARY HARRIS: Petersen?

3 BOARD MEMBER PETERSEN: Aye.

4 SECRETARY HARRIS: Wiggins?

5 BOARD MEMBER WIGGINS: Aye.

6 SECRETARY HARRIS: And Brown?

7 CHAIRPERSON BROWN: Aye.

8 The item is approved.

9 We'll move next to fiscal consent Item 13 from
10 the Sustainability and Market Development Committee.

11 Chairman Petersen, would you like to give a Committee
12 report prior to the presentation?

13 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

14 There were eleven items on the Committee agenda
15 this month. Item 10, the El Dorado County base year
16 change and petition for sludge diversion credit, was
17 pulled as a consequence of last-minute information
18 submitted by the county which the staff did not have time
19 to review.

20 The Committee recommended six items to the
21 consent calendar. These include Item 12, State Agency
22 Diversion Programs. I want to say that most of the
23 agencies have been doing a terrific job, but there are a
24 few of those out there that I guess you can say need a
25 kick in the pants, and we need to do that.

1 Item 14, the application for renewal with Santa
2 Barbara Recycling Market Development Zone, which was
3 mentioned earlier, that is been pulled for the March
4 meeting.

5 Two items were recommended for fiscal consent
6 today: Item 13 a loan to Arna Trading; and Item 15, Reuse
7 Assistance Grants.

8 We also provided direction to staff to begin the
9 formal rulemaking process to make permanent our E-Waste
10 Program regulations.

11 And, finally, we heard a staff report on the
12 Recycling Market Development Zone Program and the Green
13 Procurement Action Plan.

14 That's it.

15 CHAIRPERSON BROWN: Thank you, Member Petersen.

16 We'll move to Item 13, fiscal consent,
17 Consideration of the Recycling Market Development
18 Revolving Loan Program Application for Arna Trading, Inc.,
19 d.b.a. Simba International. We'll call on Judy Friedman.

20 BRANCH MANAGER FRIEDMAN: Yes. Good morning,
21 Chair Brown and Board members. Congratulations to you,
22 Chair, and to Board Member Danzinger on your appointment.
23 We have a full complement. It's very exciting for staff.

24 This item is Consideration of the Recycling
25 Market Development Revolving Loan Program Application for

1 Arna Trading, Inc., d.b.a. Simba International, Fiscal
2 Year 2005-2006.

3 Simba International is requesting a \$101,250 loan
4 to finance the purchase of shredding machinery and
5 equipment. The equipment purchase is projected to assist
6 in increasing the diversion of postconsumer and industrial
7 plastic waste from the landfill by 300 tons per year and
8 create two additional jobs. The project is located in
9 Oceanside, California, within the North San Diego County
10 Recycling Market Development Zone. This item was heard at
11 Committee and approved and placed on fiscal consensus.

12 Therefore, staff recommends the Board approve
13 Option 1 and adopt Resolution Number 2006-35 to approve an
14 RMDZ loan to Simba International in the amount of
15 \$101,250,

16 CHAIRPERSON BROWN: Thank you, Judy.

17 Any questions?

18 Do I have a motion?

19 BOARD MEMBER MULÉ: I'd like to move Resolution
20 2006-35.

21 BOARD MEMBER PEACE: Second.

22 BOARD MEMBER PETERSEN: I'll second that.

23 CHAIRPERSON BROWN: Thank you, Member Petersen
24 and Member Peace. It's been moved and seconded.

25 Can we call the roll?

1 SECRETARY HARRIS: Danzinger?
2 BOARD MEMBER DANZINGER: Aye.
3 SECRETARY HARRIS: Mulé?
4 BOARD MEMBER MULÉ: Aye.
5 SECRETARY HARRIS: Peace?
6 BOARD MEMBER PEACE: Aye.
7 SECRETARY HARRIS: Petersen?
8 BOARD MEMBER PETERSEN: Aye.
9 SECRETARY HARRIS: Wiggins?
10 BOARD MEMBER WIGGINS: Aye.
11 SECRETARY HARRIS: Brown?
12 CHAIRPERSON BROWN: Aye.
13 Thank you. We'll move to Item 15, fiscal
14 consent, Consideration of Awards for the Reuse Assistance
15 Grants Program, Fiscal Year 2005-2006 from the Integrated
16 Waste Management Account. Judy.
17 BRANCH MANAGER FRIEDMAN: Thank you, Madam Chair.
18 In accordance with the California Integrated
19 Waste Management Board's grant award process, staff is
20 presenting its recommendations to award grants for the
21 fiscal year 2005-2006 offering of the Reuse Assistance
22 Grants. We base our recommendations on the following:
23 Board approved scoring criteria and evaluation process and
24 the Board approved evaluation process conducted by staff
25 panel.

1 The purpose of this competitive grant program is
2 to provide the initiative and incentive for local public
3 agencies to promote and apply the concept of reuse, assist
4 in the development or expansion of reuse activities at the
5 local public agency level, and divert reasonable material
6 from landfill disposal.

7 Staff is requesting approval to enter into grant
8 agreements with applicants in order of ranking until
9 fiscal year 2005-2006 allocated funds are exhausted.
10 Funding for fiscal year 2005-2006 for this grant offering
11 must be encumbered by June 30th. If additional funds
12 become available, staff requests permission to enter into
13 grant agreements with additional applicants until the
14 funding is exhausted. This item was heard in Committee
15 and placed on fiscal consent. And, therefore, staff is
16 recommending that the Board approve the proposed awards
17 and adopt Resolution 2006-39.

18 And that concludes my presentation.

19 CHAIRPERSON BROWN: Thank you very much, Judy.

20 Does anybody have any questions?

21 Can I have a motion?

22 BOARD MEMBER WIGGINS: I would like to move this
23 motion, Resolution 2006-39.

24 CHAIRPERSON BROWN: Thank you, Member Wiggins.

25 BOARD MEMBER MULÉ: Second.

1 CHAIRPERSON BROWN: It's been moved and seconded.

2 Could we call the roll?

3 SECRETARY HARRIS: Danzinger?

4 BOARD MEMBER DANZINGER: Aye.

5 SECRETARY HARRIS: Mulé?

6 BOARD MEMBER MULÉ: Aye.

7 SECRETARY HARRIS: Peace?

8 BOARD MEMBER PEACE: Aye.

9 SECRETARY HARRIS: Petersen?

10 BOARD MEMBER PETERSEN: Aye.

11 SECRETARY HARRIS: Wiggins?

12 BOARD MEMBER WIGGINS: Aye.

13 SECRETARY HARRIS: Brown?

14 CHAIRPERSON BROWN: Aye.

15 Thank you. That concludes the fiscal consent
16 items. We do have all consent items from Permit and
17 Enforcement.

18 Chair Mulé, would you like to give a Committee
19 report?

20 BOARD MEMBER MULÉ: Yes, I would. Thank you,
21 Madam Chair.

22 We did hear five permit items and one item
23 regarding regulatory and statutory issues related to the
24 permitting and enforcement process.

25 And that concludes my report. Thank you, Madam

1 Chair.

2 CHAIRPERSON BROWN: Thank you.

3 Item 25, again just making the announcement we
4 will hear that at 1:30 this afternoon.

5 And we'll move to Item 26, Consideration of
6 Approval for Allocation Proposals to be Funded from the
7 Integrated Waste Management Account. Mark, would you like
8 to make a presentation.

9 EXECUTIVE DIRECTOR LEARY: I would, Madam Chair.
10 Thank you. And good morning again.

11 Agenda Item 26 is consideration of allocating
12 consulting and professional services dollars to further
13 staff efforts as they implement key activities in the
14 Board's priority Action Plans. The item before you
15 proposes funding for four contract allocation proposals.
16 However, the executive staff recommendation today is for
17 funding for three. The fourth one I think needs further
18 refinement. I'll do kind of an overview of the four
19 projects. If there are detailed questions, exec staff and
20 maybe staff from the audience can answer those if we get
21 to that point.

22 The fourth one that we've decided to take off the
23 plate for today's consideration or suggest you do I
24 suppose is the universal waste outreach project D-10 on
25 the list there. D-10 needs to be further developed and

1 refined with the Department of Toxic Substances Control.
2 As you know, we share a coordinated relationship with them
3 with the implementation of the management of u-waste in
4 the state, and we need to further refine our understanding
5 of who's doing what with Department of Toxics which will
6 occur over the next month. And if we need this kind of
7 allocation or something less or something more after that,
8 we'll bring that back for separate consideration in March.
9 So with that, I'd like to take that off the table for
10 today's consideration.

11 Of the three that are left in concert with
12 executive staff, I'd like to propose you do make
13 allocations for all three of these. I can touch on them
14 very quickly. D-6, Leftover Paint Management
15 Infrastructure Model and Cost Analysis. This project
16 supports the Green Procurement Action Plan in promoting
17 the use of recycled content paint in place of a virgin
18 material. We hope the project will determine the most
19 cost effective infrastructure to manage leftover paint and
20 develop models to achieve more leftover paint collection
21 and reduce the burden on local government.

22 In some respects, leftover paint is in much the
23 same place as u-waste, although paint has been around a
24 lot longer, and paint constitutes a good 40 percent of all
25 materials collected at household hazardous waste

1 facilities and costs approximately \$8 per gallon. I think
2 the opportunity before us on the D-6 is we're working with
3 the Paint Product Stewardship Institute which has as part
4 of their membership state agencies, local government,
5 nonprofit organizations, but I think most importantly
6 retailers and members of the paint and coatings industry
7 who are participating in this. And they've developed
8 eleven high priority projects, only one of which is this
9 management infrastructure model.

10 What we're asking for is \$40,000 to work together
11 with the state of Washington who is actually kicking in
12 \$90,000 for this project. So I think we have a great
13 partner. We've got industry involvement. And I think
14 there's a real opportunity to advance the science of waste
15 paint management in this state or in the nation really to
16 affect use of recycled content paint rather than virgin
17 paint.

18 The second D-7 is about u-waste and a very
19 similar kind of analysis. We've looking to develop a
20 financing system to effect the most effective way of
21 collecting u-waste and recycling again to look to lift the
22 burden possibly on local government collection facilities
23 and to enhance recycling of these kinds of materials.
24 This as you know results from the sunset of the u-waste
25 exemption for residential and small quantity generators

1 that occurred this month in regulation pursuant to
2 Department of Toxic Substances Control decision making.

3 There's currently no formal system in place to
4 support the collection of u-waste around the state. And
5 with this allocation, we'll go out for competitive bid and
6 ask for some research to be done to try to define what we
7 think is the most effective system to collect u-waste in
8 our state. Little bit different from leftover paint,
9 because leftover paint we're looking for a national model.
10 U-waste, this initiative is unique to California, so we're
11 looking to develop a state model.

12 Thirdly is the Agricultural Plastic Film Pooling
13 Technology Assessment and Development. We're looking for
14 \$200,000 here to fund the development of a new technology
15 and equipment for pooling plastic agricultural films from
16 the field in a cleaner and more complex state. We've all
17 noticed an uptake in interest in ag film throughout the
18 state. There appears to be a marketplace where heretofore
19 there hadn't been. What seems to be lacking -- one of the
20 pieces lacking in furthering that effort is the
21 development of a technology to pull the film off the ag
22 fields and get it cleaner and make it more ready for
23 market more immediately so we can get it into the
24 marketing mainstream.

25 So in that effort we're looking to work with one

1 of the CSU campuses or the UC campuses to develop the
2 technology with us. And we think we'll find willing
3 partners and be willing to go forward. And so the total
4 of the request that we have before you today is about
5 \$300,000, leaving a balance of \$385,000. As you all heard
6 in the Green Procurement Action Plan last week, there will
7 be additional allocation request pursuant to some of those
8 ideas proposed for you that we will bring back to you
9 subsequent to this month.

10 In order to ensure these allocation proposals are
11 implemented and the funds are encumbered for the
12 prescribed purpose no later than June 30th, of course, the
13 end of the fiscal year, consideration of approval is being
14 sought to authorize the Executive Director, me, to
15 finalize and execute all agreements resulting from the
16 agenda item.

17 And with that, I'll end my presentation and take
18 any questions and maybe defer some of those questions to
19 our staff.

20 CHAIRPERSON BROWN: Thank you, Mark.

21 Board Member Wiggins.

22 BOARD MEMBER WIGGINS: You said on the paint that
23 something was \$8. What is \$8?

24 EXECUTIVE DIRECTOR LEARY: The current cost of
25 managing leftover paint at household hazardous waste

1 facilities is estimated to be about \$8 a gallon, which is
2 expensive in our view. And we think we can improve on
3 that with the effort conceived in this proposal.

4 BOARD MEMBER WIGGINS: At the Sonoma County
5 Landfill, they give the paint away, so they have a place
6 that people can come and pick up paint at the same time.
7 And also I think one of the issues -- the programs that
8 we're working on is to be able to mix paint for resale.
9 So do you expect this cost to go down?

10 EXECUTIVE DIRECTOR LEARY: We're hoping the cost
11 will go down. But --

12 BOARD MEMBER WIGGINS: It's pretty expensive.

13 EXECUTIVE DIRECTOR LEARY: What we're identifying
14 here is the cost of collection. The waste paint makes up
15 about 40 percent of all household hazardous collected. If
16 you take the 40 percent of the facilities currently built
17 in the state and allocate that to paint, you're looking
18 about \$8 a gallon on a state-wide basis.

19 BOARD MEMBER WIGGINS: I see. Okay. Thank you.

20 CHAIRPERSON BROWN: Any other questions?

21 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
22 Resolution 2006-26.

23 CHAIRPERSON BROWN: Can you hold one minute? We
24 have a speaker.

25 Mr. Edgar, would you like to make a comment?

1 MR. EDGAR: Chair and Board member, my name is
2 Evan Edgar from the California Refuse Remove Council.
3 Welcome to the Chair. And Jeff, welcome back.

4 U-Day was February 9th. It was a huge day in
5 California. What we see up here in contract dollars are
6 great, and we support that. It's good to have a plan
7 after the ban. And in the future whenever any bans are in
8 place, we hope to have a plan before the ban.

9 But u-waste is a confusing outreach, and we look
10 forward to next month as we look towards \$200,000 on the
11 statewide outreach message, not only to local government,
12 industry, and to the consumer, but we are confused out
13 there. I got phone calls all last week and this week on
14 what is consumer electronic devices that is banned. A lot
15 of people believe microwaves are banned and everything
16 from answering machines to anything with a plug. And the
17 message out there is that anything with a plug is banned,
18 and a lot of people are now collecting this statewide.

19 And without a consistent message -- I know that
20 Ms. Mulé is working hard with DTSC on implementation of
21 this on compliance of enforcement. We appreciate that
22 message. But out in the field, we have stockpiles of
23 devices without a plan to move those forward. So next
24 month and on a consistent statewide message, we support
25 those contract dollars as well. Thank you.

1 CHAIRPERSON BROWN: Thank you very much,
2 Mr. Edgar. I appreciate your comments and think we share
3 your concerns. And want to make sure there is a
4 coordinated effort with DTSC on getting the information
5 out to the locals.

6 Did you have a comment?

7 BOARD MEMBER MULÉ: No. I just agree with
8 everything that you just said. We are working hard to put
9 together a coordinated outreach effort. It's very
10 important. I've talked with many of you. I've talked
11 with a number of local jurisdictions. We know there is a
12 little bit of confusion out there, but we are working as
13 hard as we can jointly with DTSC to address the issues
14 that are being raised.

15 So with that, Madam Chair, I'd like to move
16 Resolution 2006-26.

17 CHAIRPERSON BROWN: Revised. Are we revising it
18 to --

19 BOARD MEMBER MULÉ: Revised.

20 CHAIRPERSON BROWN: Revised to have three rather
21 than four.

22 Is there a second?

23 BOARD MEMBER PEACE: Second.

24 CHAIRPERSON BROWN: Thank you, Board Member Peace
25 and Board Member Mulé.

1 Can we call the roll?

2 SECRETARY HARRIS: Danzinger?

3 BOARD MEMBER DANZINGER: Aye.

4 SECRETARY HARRIS: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 SECRETARY HARRIS: Peace?

7 BOARD MEMBER PEACE: Aye.

8 SECRETARY HARRIS: Petersen?

9 BOARD MEMBER PETERSEN: Aye.

10 SECRETARY HARRIS: Wiggins?

11 BOARD MEMBER WIGGINS: Aye.

12 SECRETARY HARRIS: Brown?

13 CHAIRPERSON BROWN: Aye.

14 Thank you. With appropriate votes, that has

15 passed.

16 Are there any other Board member comments?

17 Questions?

18 We will recess for lunch and reconvene here at

19 1:30 to take up Item Number 25. Thank you.

20 (Thereupon a lunch recess was taken.)

21 CHAIRPERSON BROWN: We'll reconvene the meeting

22 to take up Item 25.

23 Could we call the roll?

24 SECRETARY KUMPULAINIEN: Member Danzinger?

25 BOARD MEMBER DANZINGER: Here.

1 SECRETARY KUMPULAINIEN: Member Mulé?
2 BOARD MEMBER MULÉ: Here.
3 SECRETARY KUMPULAINIEN: Member Peace?
4 BOARD MEMBER PEACE: Here.
5 SECRETARY KUMPULAINIEN: Member Petersen?
6 BOARD MEMBER PETERSEN: Here.
7 SECRETARY KUMPULAINIEN: Member Wiggins?
8 BOARD MEMBER WIGGINS: Here.
9 SECRETARY KUMPULAINIEN: Chair Brown?
10 CHAIRPERSON BROWN: Here.
11 Just a reminder to turn your cell phones off or
12 put them in the vibrate mode. If there are any speakers
13 not already stipulated on the agenda, there's speaker
14 forms in the back of the room.
15 Do we have any ex partes to report?
16 BOARD MEMBER MULÉ: I'm up to date.
17 BOARD MEMBER PEACE: Yes. I met with Sharon
18 Rubalcava, Chuck Helget, and David Edwards from BFI.
19 BOARD MEMBER DANZINGER: I met with Chuck Helget
20 representing of BFI.
21 BOARD MEMBER PETERSEN: I'm up to date.
22 CHAIRPERSON BROWN: Thank you.
23 The Board will now take up Agenda Item 25,
24 Consideration of the Appeal by North Valley Coalition
25 Seeking Board Review of Decision by the Hearing Panel of

1 Los Angeles County that the Los Angeles County Local
2 Enforcement Agency Acted Properly in Authorizing the Use
3 of Construction and Demolition Debris as an Alternative
4 Daily Cover at Sunshine Landfill.

5 Before we begin hearing evidence from the parties
6 and from staff, I would like to explain to everyone how
7 this hearing will be conducted. The general rule of the
8 hearing will be as follows. This will be an informational
9 open proceeding. The Board will later go into a closed
10 session for deliberation only.

11 The hearing will be conducted by the Chair, me,
12 with the assistance from needed Board counsel. Witnesses
13 will testify under oath. There will not be opportunity
14 for cross-examination. The parties or their counsel may
15 base their arguments on evidence in the record of the
16 Hearing Panel or LEA and present their cases on that
17 basis. Board members may ask questions of any party or
18 witness or Board staff at any time.

19 Because the hearing is public, persons who are
20 not parties may present relevant evidence. As Chair, I
21 may limit the time for testimony for members of the
22 public. However, I want to make sure all persons desiring
23 to present relevant evidence have that opportunity. The
24 parties and the Board staff have agreed on certain time
25 limits for their presentations.

1 This leads me to the issue of relevant evidence.
2 The parties and members of the public are limited to
3 presenting relevant evidence. That is, evidence which
4 tends to prove or disapprove any disputed fact that is of
5 consequence to the issues before the Board today.

6 The presence of Sunshine Canyon Landfill and its
7 operators have been the subject of acrimonious debate for
8 many years. Likewise, whether the use of alternative
9 daily cover is good public policy has been debated for
10 many years. Neither of those matters is before us today.
11 Instead, the Board is considering an appeal filed by North
12 Valley Coalition alleging that the Los Angeles County
13 Hearing Panel acted improperly in approving the use of
14 certain material as ADC at the Sunshine Canyon Landfill.
15 The entire hearing will be conducted in public, but then
16 the Board will deliberate in closed session to reach its
17 decision.

18 The first issue is whether to hear the appeal.
19 As Board members, the parties, and staff know, the Board
20 will first consider and decide whether the appellant has
21 raised substantial issues. If the Board so decides, the
22 Board will hear the matter raised by North Valley
23 Coalition and will decide it on the basis of the evidence
24 submitted to the Board and arguments presented to the
25 Board at the hearing.

1 For the first issue whether the appellant has
2 raised substantial issues, the order of presentations will
3 be Board staff introduction; the appellant, North Valley
4 Coalition will make a presentation if needed; and the
5 respondent LEA will make a presentation as needed. And
6 then the real party of interest, BFI, will make their
7 presentation.

8 Board members may ask any questions in
9 discussion. Are there any questions?

10 Board staff.

11 STAFF COUNSEL BLEDSOE: Good afternoon, Madam
12 Chairman. Michael Bledsoe from the Legal Office on the
13 question of the first issue of whether North Valley
14 Coalition has raised substantial issues in its appeal.

15 As related in the staff report, it is staff's
16 view that North Valley Coalition has raised substantial
17 issues in its appeal. From conversations I've had with
18 the parties outside of this hearing, it is my
19 understanding that the parties also concur that
20 substantial issues have been raised. And we would
21 recommend that the Board hear the appeal.

22 CHAIRPERSON BROWN: Thank you, Michael.

23 The appellant have any discussion?

24 MR. SMITH: Not at this time, no.

25 CHAIRPERSON BROWN: Thank you.

1 The LEA?

2 MR. PFAEFFLE: Not at this time.

3 CHAIRPERSON BROWN: BFI?

4 MS. RUBALCAVA: No issues.

5 CHAIRPERSON BROWN: We need a motion.

6 BOARD MEMBER MULÉ: I move we hear the issue.

7 CHAIRPERSON BROWN: Okay. We now have heard from

8 the parties and staff, and the Board has had a chance to

9 ask questions and discuss this matter. Public Resources

10 Code 45031 provides the Board may determine not to hear

11 the appeal if the appellant fails to raise substantial

12 issues. We now need to vote on whether the Board should

13 hear the approval. We've had a motion. Can I get a

14 second?

15 BOARD MEMBER WIGGINS: Second.

16 CHAIRPERSON BROWN: There's been a motion and a

17 second.

18 SECRETARY HARRIS: Danzinger?

19 BOARD MEMBER DANZINGER: Aye.

20 SECRETARY HARRIS: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 SECRETARY HARRIS: Peace?

23 BOARD MEMBER PEACE: Aye.

24 SECRETARY HARRIS: Peterson?

25 BOARD MEMBER PETERSEN: Aye.

1 SECRETARY HARRIS: Wiggins?

2 BOARD MEMBER WIGGINS: Aye.

3 SECRETARY HARRIS: And Brown?

4 CHAIRPERSON BROWN: Aye.

5 Thank you. It's passed.

6 We will move forward to the second issue, the
7 merits of the appeal. I'd like to ask the court reporter
8 to administer the oath to persons who plan to testify in
9 this hearing. Will those persons who plan to testify
10 please stand and repeat after the court reporter.

11 (Thereupon prospective witnesses were sworn,
12 by the Court Reporter, to tell the truth,
13 the whole truth and nothing but the truth.)

14 CHAIRPERSON BROWN: Thank you.

15 Before we proceed further with the hearing, BFI,
16 the owner and operator of Sunshine Canyon Landfill, has
17 requested the opportunity to make a very short statement.

18 Mr. Edwards.

19 MR. EDWARDS: Thank you, Madam Chairman, Board
20 members. My name is Dave Edwards, and I'm the Director of
21 Projects for Sunshine Canyon Landfill.

22 BFI has reviewed the staff report and its
23 recommendations with regard to the pending appeal. It is
24 clear to us that even though the C&D material we have been
25 using has performed well as an alternative daily cover and

1 that there's no evidence that the material is having an
2 adverse effect on public health or the environment, Board
3 staff does have questions about whether it meets the C&D
4 definition in the Board regulations. In light of the
5 information provided in the staff report for this item,
6 we're proposing the following course of action to address
7 those concerns.

8 First, as recommended by the staff, we will amend
9 Sunshine Canyon's RDSI to include a program outlining
10 steps that would be taken to prevent the ADC from being
11 contaminated with wastes that are not included in the
12 Board regulations defining processed C&D that is
13 authorized for use as ADC without the benefit of an
14 approved demonstration project.

15 Second, with regard to the materials from the
16 Falcon Refuse Center, we'll propose a demonstration plan
17 and appropriate procedures and of an appropriate duration
18 to determine whether the material meets all of the
19 performance criteria for ADC set forth in Board
20 regulations.

21 Third, upon successful completion of the
22 demonstration plan, we will amend the site's RDSI as
23 required in order to be able to accept the material from
24 the Falcon Refuse Center as ADC on a permanent base.

25 It has always been our intentions to serve our

1 clients and assist them in obtaining their diversion
2 goals. We believe that the material we have been using as
3 ADC is exactly the type of material that should be used in
4 this beneficial way as ADC at Sunshine. The regulations
5 for using C&D as ADC -- is that enough ADCs and -- are
6 relatively newly adopted, and it is clear that the
7 additional procedures may be required to ensure all
8 interested parties that such materials are appropriately
9 used as ADC. We look forward to working with the LEA and
10 the state staff for the approval of a demonstration
11 project, and we're here to answer any questions the Board
12 may have.

13 CHAIRPERSON BROWN: Thank you, Mr. Edwards.

14 Does anybody have any questions? Thank you very
15 much.

16 I understand that the LEA does not object to the
17 staff's recommendation.

18 MR. PFAEFFLE: That's correct.

19 CHAIRPERSON BROWN: In light of the fact that the
20 respondent, LEA, and real party in interest, BFI, do not
21 oppose the staff's recommendation in the staff report, it
22 will be possible to abbreviate the testimony from some of
23 the parties. Other than to respond to questions from the
24 Board, it is not necessary for BFI or the LEA to make
25 further presentations. They will have an opportunity to

1 rebut other parties' testimony if they so desire.

2 Since the opposing parties concur on the staff
3 report, the staff's presentation will be abbreviated.
4 Staff may be asked to respond to questions from the Board
5 members. The appellant, North Valley Coalition, may make
6 its presentation as the parties have agreed or may elect
7 to abbreviate it in light of the statement of BFI and the
8 LEA.

9 The public will have an opportunity to present
10 relevant evidence after the parties and the staff make
11 their presentations. The Board will then deliberate to
12 reach a decision following the presentation of evidence
13 and argument by North Valley Coalition and the members of
14 the public. At this point, I'd like to call on the North
15 Valley Coalition to make its presentation to the Board.
16 Board members may ask questions at the end of North
17 Valley's presentation.

18 MR. SMITH: Good afternoon. Kelly Smith for
19 North Valley Coalition. Thank you, Chairperson, members
20 of the Board. We will greatly abbreviate our
21 presentation.

22 We, I think, would want to express that the
23 appeal process has worked. It took a long time. It took
24 a lot of quibbling and squabbling to get to this point,
25 but I think the result is a good one. So I want to thank

1 staff and the Board for considering this matter.

2 It may seem like a small thing, but ADC,
3 alternative daily cover, for those on the Board who aren't
4 familiar with it, is a very controversial issue, a very
5 controversial process. Since BFI wanted to point out that
6 they think it's such a great diversion material, I want to
7 point out that it's not at all. This stuff is the absurd
8 logical extension of what happens when you allow all this
9 stuff to qualify as daily cover and as recycling. What
10 you have here and what you'll always get until the Board
11 does something about it, until it stops somehow is garbage
12 on top of garbage. That's what we're using here. That's
13 what we're calling recycling, is taking stuff to a
14 landfill to put on top of garbage that is garbage. And
15 we're calling that recycling. It's absurd.

16 So that said, we do have a couple comments from
17 folks who came up from the area from L.A. to make some
18 presentations. And if you'll indulge us at this time,
19 we'll make those presentations. They will be much
20 abbreviated. We have Anne Ziliak, who is the Land Use
21 Chair for the Granada Hills North Community Council, and
22 then Wayde Hunter, who is the President of North Valley
23 Coalition. So if the Board would allow us to do that,
24 we'd like to do that at this time.

25 CHAIRPERSON BROWN: That's fine.

1 MR. SMITH: Thank you.

2 CHAIRPERSON BROWN: I'd like to invite up
3 Ms. Ziliak.

4 MS. ZILIAK: Hello. Thank you for having the
5 hearing today. I really appreciate that. I'm from
6 Granada Hills North Neighborhood Council. We represent an
7 area of stakeholders that is -- I guess I don't know how
8 many square miles it is. However, it represents about
9 28,600 residents of the city of Los Angeles.

10 We are adjacent to and downgradient, downwind,
11 from BFI Sunshine Canyon Landfill. And we are here today
12 because of our grave concern for this kind of material
13 being used for landfill cover. We are in a very windy
14 area and concerned about our stakeholders and their
15 health. And we would appreciate it that this material not
16 be allowed to be used in this area. Thank you.

17 CHAIRPERSON BROWN: Excuse me. Could you restate
18 your name for the record?

19 MS. ZILIAK: It's Anne Ziliak from Granada Hills
20 North Neighborhood Council.

21 CHAIRPERSON BROWN: Thank you very much. I
22 appreciate it.

23 Then I'd like to invite up Mr. Wayne Hunter from
24 the North Valley Coalition.

25 MR. HUNTER: Thank you. My name is Wayne Hunter.

1 I'm the President of North Valley Coalition. Again, I'd
2 like to thank the Board and the staff for hearing our
3 appeal and evaluation that they did.

4 One of the reasons that we're here is basically
5 because of the rules and regulations, you know, of the
6 state and what's set up. And the problem that comes to us
7 is the fact that these waste companies abuse those rules.
8 And, unfortunately, our line of defense, the people who
9 are supposed to protect us, are the lead enforcement
10 agencies. And that, for us, has really become a problem
11 because we don't feel that they really are doing the job
12 that the state intended them to do.

13 So here we are today because we think that this
14 is something that never should have happened. This
15 material never should have been allowed as an alternative
16 daily cover, because really it wasn't just C&D as they
17 were trying to claim. It was a mixture of everything,
18 basically garbage really is what they were doing. But
19 they got away with it. And so again, we're here today to
20 try to straighten this out.

21 And you know, I understand that, you know, BFI is
22 now proposing this demonstration project in lieu of. We
23 just talked to you about wind. And you're going to
24 hear -- you're going to hear about wind that is so
25 fantastic. It's in an area that's unbelievable. It's in

1 an area called the Newhall Pass. They even write about it
2 and call it winds of the Newhall Pass. What they're
3 talking about is Santa Anas. We have five to six months
4 of terrific winds that blow through that pass constantly.
5 When it isn't blowing on us and Granada Hills and Sylmar,
6 it blows the other way into the Santa Clarita Valley.
7 Just constant flow of air backwards and forwards. When we
8 get the Santa Anas, it's particularly violent.

9 I want to tell you on the old landfill there used
10 to be an anemometer, a meter that measures the wind up
11 there. And the AQMD stood up there looking at this meter
12 that went to 100 miles an hour. It was holding stedy at
13 100 miles an hour estimated gusting to 125. And we're
14 saying this is not a place to put a landfill.

15 And, you know, they talk about things that they
16 have these programs, you know, dust abatement and things,
17 but those winds blow 24-7. And even if you were to water
18 down and do whatever, let's say for instance this material
19 had been watered down even after it had been used for
20 alternative daily cover, we talk about the fines and
21 things, things that are contained within that. It's got
22 glass. It's got, you know, trash in it. It's got, you
23 know, particulate matter can come from asbestos, all kinds
24 of things that is a part of that waste. And the problem
25 is even if you did water it down, it's still going to dry

1 out -- anybody that's done -- you've been in your own
2 garden. Water your own garden. On a windy day come back
3 two hours later, it's completely dry. That's our whole
4 problem with saying this material that they're looking at
5 is really not the kind of material that you want to put on
6 the site.

7 So where we've been let down, the public -- and
8 we're all dependent again as our LEA -- our LEA should
9 never have permitted this to occur. So that is why we're
10 here today, you know, asking you to say hey, not just the
11 LEA. And the process we went through we did have a
12 hearing, and -- but just the fact that it should never
13 have gotten this far to begin with.

14 Anyway, I did pass out an aerial of the area.
15 And for you not really familiar with it, the large
16 cancerous looking blotch on the upper left-hand side is
17 the county side of the landfill. And the lower one that
18 looks a little bit covered over is the old city landfill.
19 Again, there's also been an expansion. So the right and
20 dead center that looks like some land with oak trees on it
21 that's all gone now and that's part of the city expansion.
22 As you can see, this whole area is basically bare.

23 You know, I want to point out to you the old
24 landfill, it's been 14 years waiting to get a final cover
25 on it. This is the kinds of things that we've had to put

1 up with that the operator cannot be trusted to do what
2 they're supposed to do, even based on state rules.
3 Because after they closed in 1991, they had 180 days to
4 put final cover on it. They didn't start until the end of
5 2005 started to put some final cover.

6 So we want you to understand -- also one thing.
7 I know I've got to go. I know -- I realize you've been
8 indulgent and given me a little bit more time here. But
9 the person that is bringing this material is Falcon
10 Transfer. And this is a subsidiary of BFI. What you're
11 asking these guys to do is, oh, guys, you know, watch out.
12 Make sure they don't bring anything bad and put on this
13 landfill. It's their own subsidiary. It's not in their
14 own interest to monitor it. That is a definite concern to
15 us. As a matter of fact, they have got a couple of
16 violations for contamination of material coming in that
17 the inspectors have seen. So a serious problem. Plus,
18 you open this whole process to other disposers of this
19 kind of waste in an approval. And what we're saying is we
20 don't know where those waste streams are coming from.
21 They may be far more contaminated than the ones we may
22 see. And maybe even in the demonstration project, because
23 obviously they actually can control that. Through their
24 own subsidiary, they can make a demonstration project and
25 make it look good. But we're going to suffer through a

1 whole year of testing for something we said never even
2 should have been in the neighborhood to begin with. It
3 doesn't belong here.

4 And thank you very much for giving me a little
5 extra time. I really appreciated it. Thank you.

6 CHAIRPERSON BROWN: Thank you, Mr. Hunter.

7 We'll now have staff presentation. Or the LEA,
8 do you have any comments?

9 BOARD MEMBER WIGGINS: Could I ask a question of
10 the gentleman who just spoke on how the wind effects the
11 demonstration project?

12 MR. HUNTER: Well, yes, ma'am. I mean, the
13 material they're bringing in, as I said, is obviously
14 going to be the best they can get ahold of. And they can
15 demand that from Falcon Transfer, which is one of their
16 subsidiaries. But, again, when you put that down, let's
17 put it down at the end of the day. One thing that happens
18 is they go home at night. It's sitting there overnight.
19 We have these terrific, and I say gale force winds that
20 come through the area. One of the problems --

21 BOARD MEMBER WIGGINS: Excuse me. What does this
22 have to do with the demonstration project as opposed to
23 the landfill?

24 MR. HUNTER: It's still the same thing.

25 BOARD MEMBER WIGGINS: Just forget it. That's

1 fine.

2 CHAIRPERSON BROWN: Anybody else have -- any
3 Board members have any questions?

4 I think we'll move on to staff presentation, Mr.
5 Levenson.

6 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
7 Chair. Good afternoon, Board members. I'm Howard
8 Levenson, Deputy Direct for Permitting and Enforcement.
9 And I do have a presentation much shorter than I was
10 planning on. But I do need to state some things for the
11 record. So if you'll indulge me for a few things.

12 With me today are Legal Counsel Michael Bledsoe,
13 and from the Permitting and Enforcement Division, Mark de
14 Bie, Suzanne Hamilton, and Bill Marciniak, if we need to
15 go into more detail.

16 I do want to reiterate what the Chair has already
17 stated, that the presence and operation of Sunshine Canyon
18 Landfill and the use of alternative daily cover in general
19 certainly have been the subject of debate, but they are
20 not the matters that are before us today. We have a
21 relatively narrow matter before us.

22 I think everyone understands that there are
23 certain types of alternative daily cover that the Board
24 through its regulatory process has determined to be
25 generally acceptable alternative to soil as daily cover

1 when those materials are used as provided in regulation,
2 even those that are listed. And there are about ten types
3 in the regulations. Those that are listed as acceptable
4 and proper to utilize, each one of those at any individual
5 landfill must be approved by the local enforcement agency
6 before its use.

7 For those alternative daily cover materials or
8 types that are not pre-approved in regulations, the
9 landfill owner/operator must demonstrate the use of the
10 alternative material will satisfactorily control vectors,
11 fires, odors, blowing litter, and scavenging without
12 presenting a threat to human health and the environment.
13 And in order to use those materials, the owner/operator
14 must conduct a demonstration prior to requesting its
15 permanent use as an ADC material. And the request for
16 that demonstration must be approved by the local
17 enforcement agency and the Board.

18 Now the question that the North Valley Coalition
19 presented to the Hearing Panel was whether the LEA acted
20 in accordance with statute, the Integrated Waste
21 Management Act, and with the Board's regulations when it
22 approved an amendment of the landfill's report of disposal
23 site information, or RDSI, that authorized the use of C&D
24 materials as alternative daily cover at the landfill. The
25 Hearing Panel determined the LEA's action was in

1 compliance with statute and regulations.

2 North Valley Coalition raised three issues, and I
3 will very briefly address these before I conclude.

4 First, was the material used at the landfill as
5 alternative daily cover actually C&D as defined in the
6 Board regulation? There's two points I'd like to make
7 here. North Valley Coalition asserts that the material
8 used as C&D alternative daily cover at the landfill does
9 not meet the Board's definition of processed C&D wastes
10 and materials. The regulations specifically list what can
11 be included in this material, and that definition is
12 included in the staff reported.

13 North Valley Coalition made two arguments here.
14 First, they argued the LEA's approval of C&D is flawed
15 because it allowed mixed C&D to be used as alternative
16 daily cover. This assertion is misdirected. There's no
17 requirement in the regulations that allowable materials
18 comprised of C&D may not be mixed together before, during,
19 or after processing.

20 Secondly, though, North Valley Coalition also
21 asserted that C&D materials used at the landfill as
22 alternative daily cover are mixed with fines, or the small
23 particles resulting from processing of solid wastes other
24 than materials that are listed as qualifying C&D. There's
25 ample evidence in the record to support North Valley

1 Coalition's assertion on this point, and that's summarized
2 in the staff report.

3 So based on the evidence before the Hearing Panel
4 and as submitted by the parties to the Board, staff's view
5 is that the Hearing Panel did not have a substantial basis
6 for concluding that the LEA had properly approved the
7 amendment of the reported disposal site information in
8 that the material described as C&D was not, in fact, C&D
9 as defined in Board regulations.

10 Staff recommends that the Board overturn the
11 Hearing Panel with respect to its decision in favor of the
12 LEA as to this point.

13 Before I turn to the second issue, I do want to
14 note the performance to date of using this material as
15 alternative daily cover to prevent fires, vectors, odors,
16 et cetera, is not at issue here. However, if the Board
17 overturns the Hearing Panel and the landfill wishes to use
18 this material or consider using this material as
19 alternative daily cover, the owner/operator does need to
20 make a request to the LEA and the Board to conduct a
21 demonstration project and successfully complete that
22 project prior to requesting ongoing use.

23 The second issue is, did the LEA fail the assure
24 that the landfill had implemented a program so that the
25 alternative daily cover in question would not be

1 excessively contaminated by non-approved materials? Very
2 briefly, among all the materials submitted to the Board,
3 by the parties, and in the Hearing Panel record, staff
4 cannot find any documentation of such a program to avoid
5 contamination of material to be used for alternative daily
6 cover.

7 So based on that evidence before the Hearing
8 Panel as submitted to staff, staff's view is the panel did
9 not have a substantial basis for concluding that the LEA
10 had required the operator to implement a program to
11 minimize contamination of C&D with waste not included in
12 the list of materials permitted by regulations. Staff
13 recommends that the Board overturn the Hearing Panel with
14 respect to its decision in favor of the LEA on this second
15 point.

16 The third and final issue is, did the LEA
17 properly determine whether the use of C&D as alternative
18 daily cover at the landfill might, due to the high wind
19 conditions sometimes present at the landfill, cause a
20 threat to human health and the environment? There is
21 evidence in the record that the LEA did consider the windy
22 nature of the location and the potential that use of C&D
23 materials as alternative daily cover might cause a threat
24 to human health and the environment. The LEA testified
25 before the Hearing Panel that before it approved the use

1 of C&D as alternative daily cover at the landfill, it did
2 evaluate whether the dust suppression program was
3 effective and concluded that it was.

4 Based on this testimony, staff's view is that the
5 Hearing Panel did have a substantial basis for concluding
6 that the LEA properly determined that use of alternative
7 daily cover at the landfill would not cause a threat to
8 human health and the environment due to the windy
9 conditions often present at the landfill. Staff
10 recommends the Board uphold the Hearing Panel with respect
11 to its decision and favor the LEA as to this point.

12 So in conclusion, for the reasons stated above,
13 and on the basis of the evidence submitted to the Board,
14 staff recommends that the Board overturn the decision of
15 the Hearing Panel on the following specific grounds.
16 First, the C&D first presently at use as alternative daily
17 cover at the landfill does not and did not at the times
18 relevant to the North Valley Coalition's appeal to the
19 Hearing Panel meet the requirements for C&D as defined in
20 Board regulations, specifically Section 20,690 Subsection
21 B(9)(b). Namely, it contains solid waste other than those
22 materials specified in the regulations.

23 And, secondly, the reported disposal site
24 information amendment that the LEA approved which
25 authorized the landfill to utilize C&D as alternative

1 daily cover did not contain a program that would help
2 prevent the contamination of the C&D that was to be used
3 as alternative daily cover with solid wastes that are not
4 allowed to be used in that manner.

5 That concludes staff's presentation. We would be
6 happy to answer any questions that the Board members may
7 have. Thank you.

8 CHAIRPERSON BROWN: Do we have any questions?

9 Okay.

10 The appellant, North Valley Coalition, do you
11 have a rebuttal?

12 MR. SMITH: No. Thank you.

13 CHAIRPERSON BROWN: LEA, do you have a rebuttal?

14 MR. PFAEFFLE: No.

15 CHAIRPERSON BROWN: Thank you.

16 BFI?

17 MR. EDWARDS: No, we do not.

18 CHAIRPERSON BROWN: Thank you.

19 We have a couple of speakers who would like to
20 speak. First is Mr. Michael Mendez from Assemblymember
21 Montaez's Office.

22 MR. MENDEZ: Good afternoon. I'm here to
23 represent Assemblymember Montaez who could not be here
24 today due to Assembly floor session. I'll be reading a
25 brief letter on her behalf.

1 "Dear members of the Board, on behalf of my
2 constituents, I write in strong support of the North
3 Valley Coalition's appeal opposing the LEA approval of the
4 use of construction and demolition debris material as ADC
5 at Sunshine Canyon Landfill. A close examination of the
6 materials that the LEA approved for ADC use are not C&D
7 materials but rather screening with fixed waste
8 processing.

9 "Based on the evidence provided to the Board, the
10 Hearing Panel did not have a substantial basis for
11 concluding that LEA acted properly in authorizing the use
12 of C&D waste as ADC at Sunshine Canyon Landfill. The C&D
13 material presently in use as ADC at Sunshine Canyon does
14 not and did not at the relevant times to the Hearing Panel
15 appeal meet the requirements for C&D as defined in Board
16 regulations. Furthermore, the LEA failed to require the
17 operator of Sunshine Canyon Landfill to implement a
18 program to minimize contamination of C&D wastes not
19 included within the lists of materials permitted by Board
20 regulation.

21 "For reasons stated above, I strongly urge the
22 Board to overturn the Hearing Panel decision that the LEA
23 acted properly in authorizing the use of C&D waste as ADC
24 at Sunshine Canyon Landfill. I also request the Board and
25 LEA critically review the impacts of high wind conditions

1 towards human health and the environment as well as
2 impacts on increases in traffic flow due to the use of C&D
3 waste as ACC at Sunshine Canyon Landfill. I intend to
4 closely monitor this issue and the debate surrounding the
5 expansion of Sunshine Canyon Landfill to make sure the
6 interests of the people I serve are fully reflected and
7 human health and the environment are not jeopardized.

8 "If you have any questions, please contact my
9 office. Thank you."

10 CHAIRPERSON BROWN: Thank you very much,
11 Mr. Mendez.

12 Our next speaker -- I apologize if I mispronounce
13 this -- Mike Mohajer.

14 MR. MOHAJER: Madam Chair, congratulations. And
15 congratulations to the new Board member. A lot of new
16 faces. For the record, my name is Mike Mohajer. I'm a
17 private citizen. I'm not representing any governmental
18 agency or private sector.

19 Before my retirement from County of Los Angeles a
20 couple three years ago, I was in charge of their waste
21 management programs. And I do have a firsthand knowledge
22 of the LEA's activities or at least 30 years I was with
23 the County of Los Angeles. I also am serving currently as
24 a Chair of the Hearing Panel to the County of Los Angeles.
25 But, again, I'm before you just as a private citizen.

1 Most of the time I've agreed with the decision of
2 the LEA in doing the services that they have been doing,
3 at least based on my knowledge, except in this case I
4 voted to overturn their decision. But I'm only one vote.
5 And needless to say, I lost from that aspect of it.

6 So having said that, I do agree with the Waste
7 Board staff recommendations to overturn the Hearing Panel
8 decision. And I also recommend that you should move
9 forward with the demonstration project. It would be very,
10 very helpful if you get the local community involved at
11 the beginning and not at the end, here it is, take it or
12 leave it.

13 Thank you.

14 CHAIRPERSON BROWN: Thank you very much for your
15 comments.

16 Any Board members have any questions?

17 Board Member Petersen.

18 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

19 This is a question -- several questions going on
20 here, I think. Dave, can you please explain to us the
21 composition of these materials and whether they're sourced
22 coming out of the Falcon Transfer Station?

23 MR. EDWARDS: Specifically to Falcon, we take
24 about 300 tons per day of material across the construction
25 and demolition sort line. About 50 percent of that

1 material is C&D material coming in from private residents
2 as well as commercial haulers, BFI, as well as other
3 clients that we serve.

4 Approximately 50 percent -- the other 50 percent
5 of the material comes from the L.A. city street
6 maintenance. That material, first of all, does not -- you
7 know, we verified during this week of operation that it
8 does not consist of storm basin clean out. It does
9 consist of construction material that they produce as part
10 of street maintenance as well as street sweeping. So
11 that's the majority of that material.

12 BOARD MEMBER PETERSEN: What majority of it do
13 you know is street sweeping?

14 MR. EDWARDS: I'm verifying that, Member
15 Petersen. Right now -- and what they're hoping to do is
16 be able to supply a very detailed break out of that
17 material as part of the demonstration project.

18 BOARD MEMBER PETERSEN: If the demonstration
19 project goes ahead, are you willing to have a third party
20 I guess evaluate that particular segment of the waste
21 stream to see what contaminants might be in there?

22 MR. EDWARDS: On the street sweeping side?

23 BOARD MEMBER PETERSEN: Yes.

24 MR. EDWARDS: Yes.

25 BOARD MEMBER PETERSEN: Okay. The other stuff

1 with street maintenance is mostly tree limbs, woods,
2 abandoned woods, and things, street trimmings?

3 MR. EDWARDS: As well as -- not really tree
4 trimmings. That's under a different department. But they
5 have projects themselves where they're moving asphalt.
6 They're constructing new concrete. It's true C&D coming,
7 You know, as part of their own activities, yes.

8 BOARD MEMBER PETERSEN: Thank you.

9 CHAIRPERSON BROWN: Any other Board member
10 questions?

11 Okay. That concludes the second issue. We have
12 now heard from the parties, the staff, and the public on
13 the merits of the appeal. The Board members have had a
14 chance to ask questions and discuss this matter. This
15 hearing will now be closed for the purpose of the Board's
16 deliberation. If we reach a decision on the appeal, it
17 will be announced after the closed session.

18 BOARD MEMBER WIGGINS: My question is what is the
19 decision before the Board regarding is it overturning the
20 appeal, I mean, the finding of the LEA and is the second
21 about requiring a demonstration project?

22 STAFF COUNSEL BLEDSOE: Madam Chair, Michael
23 Bledsoe from the Legal Office.

24 The second issue is not specifically on the table
25 for the Board members. In the event that BFI desires to

1 use the material in question as ADC, it has to do a
2 demonstration project. And BFI has told us today that's
3 what it intends to do. The Board does not need to take
4 any action or doesn't need to take any cognizance of that
5 particular fact. What the Board is focusing on is the
6 action of the Hearing Panel that has been appealed by
7 North Valley Coalition.

8 CHAIRPERSON BROWN: Okay. Are there any other
9 questions?

10 Member Peace.

11 BOARD MEMBER PEACE: If BFI does a demonstration
12 project, who monitors that?

13 DEPUTY DIRECTOR LEVENSON: The demonstration
14 project has to be approved by both the LEA and the Board
15 before it even commences. And then it will be up to the
16 LEA to be monitoring that on a direct basis. But we would
17 be providing assistance to the LEA in doing so.

18 BOARD MEMBER PEACE: We'd make sure that
19 demonstration project that what they're demonstrating is
20 actually what they would be using after the demonstration
21 project? They wouldn't be using certain things for the
22 demonstration project that were "cleaner" and then go --

23 DEPUTY DIRECTOR LEVENSON: Whatever the materials
24 are that are in the demonstration project and the
25 characterization thereof, if the demonstration project

1 shows they're suitable for use, then they would have to
2 amend their reporting disposal site information and
3 request permanent use of that particular material. That's
4 all the demonstration project would support.

5 BOARD MEMBER PEACE: Thank you.

6 CHAIRPERSON BROWN: Any further questions?

7 MR. SMITH: A couple things. We had a letter
8 from Assemblyman Richman that didn't get in the record.
9 We meant to introduce it. Can I do that now?

10 CHAIRPERSON BROWN: Certainly.

11 MR. SMITH: I'm just going to hand it in, if I
12 could.

13 CHAIRPERSON BROWN: We'll submit it for the
14 record.

15 MR. SMITH: I do want to on the record say that
16 it's our position that a demonstration project is not
17 before you now. We weren't prepared to address it now.
18 And if there is action on it, we'd say it was done without
19 notice. So we'd object to that.

20 CHAIRPERSON BROWN: Thank you. We appreciate
21 your comments. Thank you.

22 This hearing is closed for this purpose.

23 BOARD MEMBER WIGGINS: What was Dr. Richman's
24 letter about? I mean, was he for overturning the LEA
25 finding?

1 MR. SMITH: Yes.

2 BOARD MEMBER WIGGINS: Okay. That's all I wanted
3 to know. Thanks.

4 CHAIRPERSON BROWN: If we could clear the
5 auditorium for a closed session. Thank you.

6 STAFF COUNSEL BLEDSOE: Madam Chair, since you're
7 brand-new, you wouldn't know this. Our typical practice
8 for closed sessions is to retire to an anteroom off the
9 back and --

10 CHAIRPERSON BROWN: Thank you. You can stay.
11 We'll retire.

12 (Thereupon the Board recessed into closed
13 session.)

14 CHAIRPERSON BROWN: Thank you. We'll reconvene.
15 Do we need to call roll again? Can you call the roll,
16 please?

17 SECRETARY HARRIS: Danzinger?

18 BOARD MEMBER DANZINGER: Here.

19 SECRETARY HARRIS: Mulé?

20 BOARD MEMBER MULÉ: Here.

21 SECRETARY HARRIS: Peace?

22 BOARD MEMBER PEACE: Here.

23 SECRETARY HARRIS: Petersen?

24 BOARD MEMBER PETERSEN: Here.

25 SECRETARY HARRIS: Wiggins?

1 BOARD MEMBER WIGGINS: Here.

2 SECRETARY HARRIS: Brown?

3 CHAIRPERSON BROWN: Here.

4 Thank you, all. I'll read a short statement.

5 The Board has decided to uphold the staff
6 recommendation and overturn the Hearing Panel
7 determination for Items 1 and 2. The Board upholds the
8 Hearing Panel's determination on Item 3. Furthermore, the
9 Board recommends that if the operator requests a
10 demonstration project, the LEA should ensure that the
11 project defines management practices that protect the
12 health and safety of the environment. This may include a
13 third party involvement for the purpose of providing
14 information relevant to understanding environmental and
15 public health impacts. Further, if the operator decides
16 to do a demonstration, the Board hereby directs staff to
17 perform random site inspections during the period of the
18 demonstration. That concludes this statement. And
19 there's one other statement.

20 This is a preliminary summary decision. The
21 Board will provide these findings and additional evidence
22 and the argument from the record of this hearing which
23 form the basis of the Board's decision in writing, and the
24 decision to be issued within the next 30 days.

25 Thank you very much. And we'll adjourn this

1 meeting.

2 (Thereupon the California Integrated Waste
3 Management Board, Board of Administration
4 adjourned at 3:21 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 22nd day of February, 2006.

15

16

17

18

19

20

21

22

23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 12277